United Nations CEDAW/C/COD/1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
18 June 1999
English
Original: French

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Third periodic report of States parties

Democratic Republic of the Congo*

Introduction

The periodic evaluation of the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women is an obligation of States parties under article 18 of the Convention.

In this context, the Government of the Democratic Republic of Congo, striving to attain the objectives of peace, development and equality between the sexes, presents this report covering the period from June 1996 to June 1999, further to the addendum to the 1996 periodic report issued as document CEDAW/C/ZAR/2.

The Ministry of Social Affairs and the Family, through the National Women's Council, has considered all the reforms, measures and actions taken in relation to the Convention in the political, legal, economic and sociocultural spheres. As further information, the situation of Congolese young girls and adolescents is also described.

In evaluating the status of implementation of the Convention during the above-mentioned period, emphasis has been placed on changes which have occurred in the country since the fall of the dictatorial regime of the Second Republic.

This report covers, in addition to general background information on the country, the Government's priority objectives relating to women and the major obstacles to implementation of the Convention.

The main aspects of the National Programme for the Advancement of Congolese Women are also presented, followed by a review of the status of implementation of the Convention in the Democratic Republic of the Congo.

I. General background

The Democratic Republic of the Congo is situated at the centre of the African continent, straddling the equator, with an area of 2.345.409 km^2 and a population currently estimated at 50 million.

* Effective 17 May 1997, Zaire was renamed the Democratic Republic of the Congo. For the initial report submitted by the Government of the Democratic Republic of the Congo, see CEDAW/C/ZAR/1. For the second periodic report submitted by the Government of the Democratic Republic of the Congo, see CEDAW/C/ZAR/2 and CEDAW/C/ZAR/2/Add.1 and Corr.1.

99-22305 (E) 091199 101299

It has vast mineral and agricultural resources owing to its geographical situation and the fertility of the soil.

The country is also known for its excellent hydroelectric network, with an estimated capacity of 100 million kWh, and its impressive hydrographic basin covered in virgin forest.

Independent since 1960, the Democratic Republic of Congo is bounded to the North by the Central African Republic and the Sudan; to the east by Uganda, Rwanda, Burundi and the United Republic of Tanzania; to the South by Zambia and Angola; and to the west by the Atlantic Ocean, the enclave of Cabinda and the Republic of Congo.

The economic situation of the Democratic Republic of Congo over the period 1997 to 1999 has reflected the destructive effects of two successive wars. Indeed, after the struggle to free the people from the Mobutu dictatorship, there was a revival of activity, and relative stability of the macroeconomic parameters, from June 1997 to July 1998.

Unfortunately, this satisfactory development of the economic indicators was interrupted in August 1998 owing to the aggression inflicted on the country by the Rwanda-Uganda-Burundian coalition.

These hostilities have undermined the economic base by reducing the level of activity, and destroying the tools of production and social infrastructures. According to the available data, estimated internal production decreased by 6.4 per cent in 1997 and 3.5 per cent in 1998.[1]

National foreign currency reserves have dwindled owing to the lack of any solution for the balance of payments deficit and the collapse of export income, particularly from Gecamines.

Also, the situation regarding foreign payments has deteriorated further; causing an accumulation foreign debt arrears, as well as continuing depreciation in the exchange rate of the national currency, the Congolese Franc. Inflation has reached dizzying levels (88.28 per cent), and has caused widespread hardship for the people.

On the political level, it should be noted that from 1965 to 1997, the country experienced a dictatorial regime whose mismanagement was the cause of the various difficulties.

On 17 May 1997, a political change took place in the country, and the new regime is concerned to create a truly democratic State, despite the unjust war it is facing. This insecure situation does not help to establish a peaceful climate favourable to activities for the advancement of women in general and the implementation of the Convention in particular.

In fact, the country is divided. The entire eastern part of the national territory is occupied by the aggressors. The efforts of the Government of Public Salvation are mainly directed at the war effort in order to recover the occupied territory.

This is the background against which the periodic evaluation of the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the Democratic Republic of the Congo took place.

II. Government priority objectives for women and major obstacles to the implementation of the convention

1. Objectives

The Congolese Government's three-year programme (1997-2000) outlines the following objectives in relation to women:[2]

(a) To ensure the economic advancement of women through the women's enterprise initiative;

(b) To ensure the legal and cultural advancement of women through information on women's rights;

(c) To ensure the social advancement of women through training and the development of women's human capital and the status of women;

(d) To protect the health of women and children by improving their nutritional status, by developing primary health-care programmes and by reducing the daily workload of women;

(e) To provide technical, material and financial assistance to women in rural areas.

These objectives are in line with the spirit of the Convention on the Elimination of All Forms of Discrimination against Women. However, the implementation of the Congolese Government's three-year programme has encountered a number of obstacles which slow the momentum for the advancement of women in general, and the promotion of gender equality in particular.

2. Obstacles

In addition to the impact of war and the multifaceted crisis in our country, the obstacles to the advancement of women can be listed as follows:

(a) In public life

- The persistence of traditional views which see women as incapable of managing public affairs. This attitude is occasionally nurtured and perpetuated by women themselves;
- The persistence of discriminatory legal provisions, in particular the provision establishing the legal incapacity of married women;
- The low level of education and the high rate of illiteracy among women;
- Women's lack of knowledge in all areas;
- The lack of solidarity among women themselves. It is primarily at elections that the lack of confidence of women in other women becomes apparent;
- Women's lack of interest in public affairs.

(b) In the economic field

- The lack of access of rural women to land ownership, which is still the prerogative of men;
- Lack of leisure and appropriate technologies for rural women;
- The long distances women must cover on foot to reach health centres;
- Insufficient access to credit and other production resources;
- The limited participation of women in meetings involving the community;
- Lack of knowledge in the economic field;
- Difficulties in supplying materials for conserving harvested crops and moving produce;
- The negative impact of customs on women;
- The under-representation of women in the bodies responsible for drawing up economic and development programmes.

(c) In education

- Urban-rural disparities in school infrastructures at the different levels of education;
- Traditional prejudices regarding the future role of girls in society;
- The preference of girl pupils for traditionally female study options and their rejection of traditionally masculine options;
- The absence or dropout of girl pupils;
- The lack of adequate mechanisms for improving female literacy.

(d) In the field of health

- The inadequacy of hospital infrastructures;
- Excessive household chores;
- Women's limited access to family planning facilities (reproductive health);
- The economic dependence of women;
- Women's lack of knowledge in the health field;
- Insufficiently spaced births.

(e) In the cultural field

- The persistence of prejudices and cultural practices which demean women.

To these obstacles may be added other constraints of an administrative nature, including:

- The inadequacy of the budget allocated to the Ministry dealing, *inter alia*, with Women (0.8 per cent of the national budget);
- The weak institutional capacity of the national mechanism dealing with women;
- The deterioration of public administration services;
- The absence of any bank of reliable sex-disaggregated data and the insufficiency of information on women;
- Discriminatory social and administrative practices.

III. Main characteristics of the National Programme for the Advancement of Congolese Women

Despite the above-mentioned obstacles, the Government of the Democratic Republic of the Congo is determined to implement all the recommendations of the international community which it has endorsed with regard to women. To this end, the elaboration of a National Programme for the Advancement of Congolese Women was begun with the support of the United Nations Development Programme (UNDP).

Implementation of this Programme is scheduled for the period 1999-2004. It covers the 12 critical areas of concern of the Beijing Platform for Action and covers women, men, children, families and the entire nation.

The goals set in this Programme respond to the concerns of:

- Women themselves, who are seeking to raise their status, take charge of their own lives and participate alongside men in the national reconstruction process;
- The Government, which wishes to help integrate women in development and facilitate their access to national resources and their participation in national political and economic life;
- The international community, which, through international conferences, recommends to States the advancement of women in all spheres of national life.

Implementation of this Programme requires strategies for training, awareness-building, supporting training structures for women and girls and establishing new structures, and for surveys, studies and research, including legislative reforms.

IV. Review of previous reports on the status of implementation of the Convention

Article 1

Definition of discrimination

In the Democratic Republic of the Congo, equality between men and women is enshrined in the Constitution. However, the law also gives rise to discrimination.

The Constitution, in its article 112, states that "treaties and international agreements duly ratified or approved [by the Democratic Republic of the Congo] shall ... have greater authority than do laws". While international law takes precedence over domestic law, certain provisions of Congolese law are nonetheless discriminatory towards women, in violation of the provisions of the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

Laws that have not yet been amended and contain discriminatory provisions are enumerated below:

1. Act No. 87-010 of 1 August 1987 on the Family Code

Unfortunately, this law, which establishes the principle of equality between men and women in its preamble, nonetheless contains many instances of discrimination against women.

Its article 444 states: "The husband is the head of the household.", whereas the principle of equality between spouses in respect of children is expressed in the principle of parental authority over the children, set forth in article 317, paragraph 19.

In its paragraph 2, however, the same article establishes a principle that discriminates against women, namely, that, in case of disagreement between a man and his wife, the father's will prevails.

Such discrimination is evident in a number of provisions concerning, for example, the surname given to the child, namely, the father's surname; the woman's addition of her husband's surname to her own; or the woman's exercise of parental authority together with a member of her husband's family in the event of his death, whereas, in the event of the mother's death, authority is assumed entirely by the father.

All these provisions discriminate against women because they presume that women are weak and incompetent. They are contrary to the principle of equality established by the international conventions; in particular, domestic laws violate article 3 of the Convention on the Elimination of All Forms of Discrimination against Women.

With regard to the married woman's legal capacity to sign certain acts and contracts, article 215 establishes the principle of the married woman's incapacity; moreover, article 448 stipulates that she cannot execute certain legal acts without her husband's consent. This provision is an obstacle to the advancement of women, who pass from parental to marital guardianship; there is also much abuse on the part of the husband. It is equally unacceptable that a married woman should lack capacity when her 18-year-old daughter has full legal capacity. This type of incapacity is also evident in the provisions of article 454 on the choice of marital residence, whereby the wife must follow her husband wherever he deems it appropriate to establish residence, even though she is an integral part of the couple and the family. These provisions implicitly undervalue the work of women who, at times, are carrying out more important functions than those of their husbands in terms of the family's survival.

Article 352 establishes the marriageable age for boys at 18 years while, for girls, it is 15 years old; this provision discriminates against women because it does not protect girls who, at age 15, are not yet inured to outside influences.

The same holds true for the payment of the dowry to the wife's family by the husband's family, in accordance with article 361 of the Family Code. Sociology defines marriage as a socially acceptable union between a man and

a woman such that the children of that union are recognized as the offspring of two partners. Owing to the mercenary character of the dowry, a basic condition for marriage, the married woman continues to harbour an inferiority complex with respect to her male partner.

Article 490 stipulates that property shall be administered by the husband; the wife does not even have the power to administer her own property. As a remedy, the law entitles her to seek a court order establishing separation of property in the event of mismanagement. However, the relevance of this procedure is questionable when the husband automatically administers the couple's property.

These are but a few of the many discriminatory provisions we were able to identify in the Family Code.

2. The Penal Code

In general, there is no discrimination in the Penal Code since the penalties are applied in the same manner without distinction as to sex.

Nonetheless, there is discrimination with regard to the penalty for the crime of adultery: under article 3 of the Penal Code, women are severely punished for this crime, while men are convicted of this crime only if the circumstances surrounding it are liable to be seriously prejudicial to the woman.

This provision of the Penal Code is reproduced in article 467 of the Family Code.

This imbalance is a serious violation not only of the principle of equality but also of article 459 of the Family Code, which imposes the duty of mutual fidelity on the two spouses. It constitutes an implicit authorization and even an incentive to the husband to be unfaithful and is thus contrary to the spirit of article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.

3. Legislative Ordinance No. 67-310 of 9 August 1967 establishing the Labour Code

This Ordinance is progressive and is not discriminatory. However, women are discriminated against because of the misinterpretation of the Ordinance by employers. Article 1 of the Labour Code specifies that it is applicable to all Congolese, regardless of gender, while article 72 calls for equal pay for equal work and equal ability.

These provisions, which comply with the spirit of article 11 of the Convention, are contradicted by others which contain certain constraints for married women. Such constraints arise out of the legal incompetence of women described above, and thus contravene the spirit of article 11 of the Convention.

Article 3(c) of the Code states that a married woman may enter employment unless her husband expressly opposes it. In practice, women are discriminated against by their employers, who demand the husband's authorization before the employment contract is signed.

Discrimination also continues to exist in respect of family allowances, which are denied to a married woman who is employed; nor can the latter obtain health care through her husband's employer.

4. Act No. 81-003 of 17 July 1981 establishing the regulations governing State employees

This Act is progressive and does not contain any discriminatory provisions on grounds of gender in respect of recruitment, remuneration, promotion or other benefits.

However, article 25 of the Act denies women officials the right to take time off for rest and recuperation if they have already taken maternity leave during the same year.

This article discriminates against women in that it completely fails to recognize women's social function as mothers, and contravenes article 5 of the Convention.

5. Legislative Ordinance No. 88-056 of 29 September 1988 establishing the regulations governing magistrates

This Ordinance contains no discriminatory provisions on grounds such as gender, remuneration, appearance, promotions, level of post, salaries and allowances.

However, there is discrimination in so far as recruitment and the social security benefits of married women are concerned. Article 1, paragraph 7, provides that "No one may be appointed as a magistrate unless he or she meets the following criteria: ... a married woman has to produce written authorization from her husband ...".

Article 21, paragraph 3, provides that a female magistrate shall not be entitled to family allowances if her husband exercises an activity remunerated by the State treasury that entitles him to allowances that are not less than those of a magistrate.

Article 2

1. Enshrinement of the principle of equality in the Constitution

Since the new Government came into power on 17 May 1997, the Democratic Republic of the Congo has been governed by Constitutional Legislative Ordinance No. 003 of 28 May 1997, as amended and supplemented to date. During that time, the new Government prepared a draft constitution to be submitted to the people in a referendum.

All the fundamental principles of equality between men and women and freedom are embodied therein and guaranteed in conformity with the provisions of a variety of international legal instruments, especially the Universal Declaration of Human Rights.

Article 14 of the draft constitution provides that: "No Congolese may be subjected to a discriminatory measure in respect of education, access to public office, or in any other respect in the Democratic Republic of the Congo on grounds of his or her tribal or ethnic origin, gender, ancestry, place of birth or of residence, or opinions, whether such measure results from the law or from a decision of the executive branch of Government".

Article 49 of the draft constitution stipulates that "The State shall ensure the elimination of any discrimination against women and ensure that their rights are protected".

2. Legislative measures on the principle of equality

No legislative measures have been taken in this regard by the President of the Republic, who currently exercises legislative power in the absence of a Parliament.

3. Sanctions prohibiting discrimination against women

Many changes were noted in this area in that sentences were actually handed down as a result of complaints to the courts by women victims of discrimination.

4. Mechanism for the protection of women's rights and related institutions

In July 1998, the Democratic Republic of the Congo established a Government advisory body — the National Women's Council — for the promotion, protection and defence of the specific rights of women.

The mission of the Council, which was established by Ministerial Decree No. CAB/V/M/AFF.SO.F.015/98 of 10 July 1998, is to:

- Ensure the implementation of national policy with respect to the protection of women;
- Harness all the vital energies of the nation in fighting for the advancement of women;
- Propose actions to be undertaken in this area, in conformity with international recommendations.

The National Women's Council is also responsible for:

- Preparing all the periodic reports of the international instruments on women ratified by the Democratic Republic of the Congo;
- Evaluating the implementation of the national programme on the advancement of women and the recommendations of international conferences.

Provincial Women's Councils were also set up to serve as advisory bodies for the provincial authorities. Since the war resulted in the occupation of the eastern part of the country, only seven out of 11 provinces have established Provincial Women's Councils.

The National Council is composed of representatives of public institutions, religious and lay non-governmental organizations, trade unions and representatives of United Nations bodies, who attend its meetings as observers.

There are also non-governmental organizations that are working to protect women's rights.

With a view to restoring a State governed by the rule of law that respects the fundamental rights of citizens and to restoring the dignity of Congolese men and women, the President of the Republic established the Ministry of Human Rights on 1 June 1998. The goal of this Ministry at the domestic level is to ensure the protection, promotion and publication of the different inherent fundamental rights of the human person.

At the international level, the Ministry's role is to promote and disseminate international humanitarian law and ensure that international law takes precedence over domestic law.

5. Reactions of the public authorities and institutions to acts or practices of discrimination against women

The authorities reacted vigorously to the forces of order and security which were the physical integrity of women and girls in traditionally masculine garb.

Article 3

Measures to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men

In addition to the establishment of the National and Provincial Women's Councils and the Ministry for Human Rights, mentioned in connection with article 2, it is worth noting that the national mechanism dealing with women has been raised to the rank of a ministry.

The political will to work for the advancement of women was expressed in the statement which the President of the Republic made on the occasion of the celebration of the 37th anniversary of our country's accession to independence, in which he spoke of the place and role of women in the process of national reconstruction, as well as in the fact that the problems of Congolese women are duly taken into account in the Minimum Triennial Programme, 1997.

It is also expressed through many other actions which have been taken on behalf of the advancement of women, especially the granting on 8 March 1998 of the sum of $500,000 as credit for Congolese women in the non-formal sector in the context of enhancing their economic power.

Article 4

1. Temporary special measures aimed at establishing equality between men and women

In addition to the new institutional mechanisms to which reference has already been made, the Government has decided to associate women with the development of the draft constitution, which is in the process of being drawn up with the signature of the agreements concluded within the framework of the Southern African Development Community (SADC).

It has also adopted the "gender" approach — parity between men and women — which advocates the need for genuine collaboration between men and women in any development activity.

In order to integrate this approach in daily life, actions are under way throughout the national territory to increase "gender" awareness.

2. Special measures aimed at protecting maternity

Following the International Conference on Population and Development, held in Cairo in 1994, the Government adopted reproductive health strategies. However, the indicators set out below show that much remains to be done to improve maternal and child health.

Indicator	*Definition*	*National level*	*Urban areas*	*Rural areas*
Maternal mortality[a]	Number of women dying during pregnancy or within 42 days of delivery per 100,000 live births	1 837	2 000	1 806

[a] WHO 1998 report on the state of the health sector.

The rate in 1996 was 870 per 100,000 live births, but that figure has now risen to 1,837. Women's health remains precarious despite the policy of bringing the sick closer to health centres. If a woman does not die during pregnancy, she will die during delivery or within 42 days.

Article 5

1. Measures to modify the social and cultural patterns of conduct of men and women

The situation in this area has not developed in a positive direction. Prejudices and customary practices are still present and deeply ingrained.

Sexual discrimination has an essentially cultural basis, and the stereotypes that regard women as inferior continue to predominate, especially in the rural areas. In our country women still live with the taboos and interdicts which men maintain as a way of protecting their status and making a mystique of their superiority. As an example, certain foodstuffs such as eggs and game must not be eaten by women for reasons which are concocted by each local culture.

Furthermore, the media are still abusively exploiting the image of women and girls, on the basis of the recognized stereotypes, by disseminating sensational information about sex and crime.

Women are now beginning to become aware of this negative image through the awareness campaigns that are

organized by the non-governmental organizations. They are under-represented in the decision-making areas of the media, and their contribution in censuring the offences against and images of women is nil.

All the traditional practices which are degrading to women — forbidden foodstuffs, dowry, the rite of widowhood, female genital mutilation, levirate, arranged marriage, etc. — persist in both rural and urban areas.

No appropriate steps have been taken to modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary practices.

2. Family education: responsible maternity and child care

From the point of view of responsible maternity, family education is based on prenatal care, attended delivery and methods of contraception. When this education is properly provided, the WHO basic criterion is 80 per cent. Set out below are the statistics collected by WHO in its 1998 health sector status report.

These figures show that there is no adequate provision of family education relating to responsible maternity.

As regards health action taken in households, family education is the job of the health officials who undertake home visits.

In 1998, the health activity rates for households were as follows:

Indicator	*Definition*	*National level*	*Urban areas*	*Rural areas*
Health activity in households	Percentage of households benefiting from home visits by health officials or similar in the last 12 months	18.4%	12.8%	19.6%

The above table shows the inadequate level of home visits by health officials.

With regard to the care of children, it should be noted that since the lamentable acts of looting experienced by the Democratic Republic of Congo in 1991 and 1993 many people are unemployed as a result of the destruction of the means of production in a number of enterprises. Consequently, it is the women who assume prime responsibility for child care by virtue of the fact that they are involved mostly in non-formal activities.

At the medical level, the care of children is measured by the following indicators: weight of the child; vaccination; and growth. On the basis of these parameters, the WHO 1998 report on the state of the health sector contained the following statistics:

Indicator	*Definition*	*National level*	*Urban areas*	*Rural areas*
Birth weight	Percentage of children born live and with a birth weight of 2.5 kg or more	91.30%	94.16%	90.38%
Birth rates	Percentage of children dying within the first year	127%	65%	138%
Child growth	Percentage of children under the age of 4 with no handicaps	28.80%	18.20%	24.90%

This table shows how inadequate is the care afforded to children.

Article 6

Traffic in women and exploitation of prostitution of women

There are no statutory provisions making prostitution unlawful, although under article 174 *bis* of the Criminal Code, persons who support prostitution may be prosecuted.

Owing to the extent of poverty in the Democratic Republic of the Congo, the incidence of prostitution is on the rise, and adolescent girls are tending to become sexually active at an early age, frequently without taking any contraceptive measures or precautions against sexually transmitted diseases and AIDS.

On the pretext that their partners are their fiancés or boyfriends, these teenagers are engaging in high-risk commercial sex. In contrast to the situation that formerly prevailed, information aimed at familiarizing the population with contraceptive methods has been disseminated through the media. Unfortunately, this effort to provide protection against unwanted pregnancy and sexually transmitted diseases and AIDS has aggravated the phenomenon, as appears from the table below:

Indicator	*Definition*	*Nationwide*	*Urban areas*	*Rural areas*
Teenage pregnancy	Percentage of unmarried teenagers (12-19 years of age) who became pregnant	1.90%	1.60%	2.00%

This situation is all the more dangerous in that it is socially disruptive: a pregnant teenager will invariably opt for abortion, since to bear a child would jeopardize her prospects of finding a husband or being able to continue with her education.

It should be noted that great numbers of Congolese women and girls have been deported by the invaders from Uganda, Burundi and Rwanda. These unfortunate victims are at risk of prostitution, sexually transmitted diseases, AIDS, unwanted pregnancy, and all kinds of other hazards.

Article 7

Political and public life

Legally, all political rights are enjoyed by all Congolese, women and men.

Women have been electors and eligible for public office since 1966, and they now hold positions, alongside men, in all the administrative and political structures of the country (the Office of the President, Government, territorial government, armed forces, business, the diplomatic corps, and so on). However, they are still represented only in very small numbers, as appears from the table below:

Body	*No. of men*	*No. of women*	*%*
Office of the President	1	0	0
Government			
– Minister of State	4	0	
– Minister	15	3	17
– Deputy Minister	9	2	
Commission on Institutional Reform	13	0	0
National Debate	168	13	8
Territorial government			
– Governor	11	0	
– Deputy Governor	9	0	9
– Territorial Administrator	145	3	
Public administration			
– Secretary-General	46	1	2
Public enterprises			
– Chairman and Managing Director	40	0	0
– Deputy Managing Director	48	0	
Diplomatic service			
– Ambassador	9	1	
– Chargé d'affaires	42	6	16
– Consular officer	3	2	
Judiciary	1 199	160	13
Commission on Congolese law reform	28	4	14
Overall percentage			11

Source: Official Gazette for 1999.

In the interests of the efficient introduction of the new political order, the present regime has decided to suspend all activities relating to political parties.

A new executive order on political parties has been issued by the Office of the President of the Republic. This order will be submitted for approval to the National Debate that is currently being organized.

However, there are still obstacles to the advancement of women in the political and public spheres. They include the effect of ingrained attitudes, the lack of solidarity among women, the maintenance of discriminatory legal provisions, women's ignorance of their own rights, and their accumulated educational lag.

In public life, the advent of women has occurred primarily through women's non-governmental organizations, the number of which is estimated at 350, according to survey data on file with the Ministry of Social Affairs and the Family.

Article 8

Government representation at the international level and participation in the work of international organizations

Women are only minimally represented in the diplomatic service: out of a total of 361 posts, 18 are filled by women, while 343 are filled by men.

The posts occupied by these women are distributed as follows:[3]

Chargé d'affaires:	2
Minister Counsellor:	1
First Counsellor:	2
Second Counsellor:	3
First Secretary:	8
Second Secretary:	2
Attaché:	1
Total:	**18**

As regards participation in the work of international organizations, the Government of the Democratic Republic of the Congo has always included women in its delegations to the numerous international conferences held by the United Nations Organization and other international organizations.

Article 9

Acquisition, change and retention of nationality

The Family Code, which was promulgated on 1 August 1987 and came into force one year later, establishes the principle of gender equality in the acquisition, loss and transmission of Congolese nationality. There have been no significant changes in this regard.

Article 10

1. Equal access to education

Both the Constitution and Framework Law No. 86-005 of 22 September 1986 guarantee equal access to education for boys and girls. This principle was reaffirmed at the general conference on education held in Kinshasa from 20 to 29 January 1996, where strategies to ensure education for all and education in human and moral values were advocated. Unfortunately, owing to the multifaceted crisis in the country, they have never been implemented.

The state of war and the overall poverty of the population have made it difficult to achieve educational goals. In the territories occupied by the aggressors, many students, especially girls, are unable to exercise their right to education.

The enrolment ratio is considerably lower than in previous years, as seen in the following table:

1994-1995			*1997-1998*		
Area	*Boys*	*Girls*	*Area*	*Boys*	*Girls*
Urban	77.1%	76.5%	Nationwide	49.7%	32.3%
Rural	57.0%	45.7%			

There are more pre-schools in urban areas than in rural areas, where they are virtually non-existent. For that reason, girls under age five have little access to pre-school. Moreover, owing to the low socio-economic level of most parents, such access is extremely limited for young girls in urban areas as well. This explains the fact that most girls are behind in school or drop out at an early age.

The lack of State-run pre-schools and of qualified staff explains the limited access to this level of education, particularly in rural areas.

Indeed, despite the fact that overall school enrolment is rising steadily, the school drop-out rate is higher for girls than for boys at both the primary and secondary levels.

2. Educational and vocational guidance

With respect to the choice of programme of study at the secondary, post-secondary and university levels, it has been noted that although girls have been given the opportunity to take courses in subjects traditionally reserved for boys (such as industrial engineering, mechanical engineering and agriculture), they continue to display a marked preference for general education courses (such as general pedagogy and literature) and semi-technical subjects (such as commercial, administrative and receptionist training). However, the 1997 statistical yearbook of education records the following percentages of girl graduates:

- Agriculture 5%
- Industrial engineering 3%

In post-secondary and university education, there are more girls enrolled in the humanities than in the sciences. In four fields chosen at random from the 1997 list of post-secondary school graduates, the distribution of girls and boys was:

Humanities	*Men*	*Women*
English/African Culture	321	77
French/African Linguistics	293	75
French/Latin	49	2
History/Social Science	250	40

Science	*Men*	*Women*
Biology/Chemistry	135	62
Chemistry/Physics	28	-
Construction engineering	6	-
Electrical engineering	8	-

Furthermore, disabled girls encounter many barriers to their self-fulfilment, and those who have the benefit of vocational training lack the means to become self-employed.

There are few women students in the arts as well, as seen in the following table:

Field	*Men (%)*	*Women (%)*
Sculpture	100	0
Painting	94.4	5.6
Creative writing	85	15
Photography	100	0
Music	85.8	14.2
Theatre	75	25

Source: Ministry of Culture and the Arts (1998).

Educational and vocational guidance services for boys and girls will be further improved by the fact that in 1998, the Ministry of Education officially re-established the post of guidance counsellor, thereby promoting the development of guidance programmes in the schools.

3. Access to continuing education and functional literacy programmes

In addition to the training, retraining and advanced training programmes organized by official institutions such as the Interdisciplinary Centre for the Development of Continuing Education, increasing numbers of organizations of civil society have held seminars and workshops on a variety of subjects for both men and women.

For example, there are 47 women's organizations in Kinshasa; in 1998, such organizations organized 102 training workshops, an average of two workshops per organization.[4]

With respect to functional literacy, in 1998 the National Programme for the Advancement of Women recorded 3,800,000 cases of illiteracy among women aged 15 and over.[5] Thus there has been no change in this situation since 1995. Similarly, the International Labour Office (ILO) reports an illiteracy rate of 50.3 per cent among rural women.

Article 11

1. Right to work

The right to work is recognized in the Labour Code for both men and women. The measures for application of the Labour Code contained in Ministerial Order No. 68/13 of 17 May 1968, regulating the working conditions of women, remain in force.

2. Job opportunities

The capacity of married women to conclude employment contracts remains limited owing to the faulty interpretation of article 3 C of the Labour Code by employers, who require married women to produce an authorization from their husband before employing them.

None of the discriminatory provisions of the Labour Code described in the initial report have changed. However, in the private sector some of these provisions have been corrected by collective agreements.

3. Right to promotion and to job stability

The advantages resulting from the employment contract, in particular equal pay for equal vocational qualifications, the right to bring cases of wage discrimination to the Labour Inspectorate, and the right to recruitment, promotion and training are still in force.

Where social security is concerned, very few widows enjoy a survivor's pension in respect of the employment of their late husband. When such a pension is available, it is set at a derisory rate which destabilizes the family and the lives of the recipients.

A married woman is not entitled to family benefits or family services, even if her husband is unemployed or poor.

4. Special protection of matrimonial status during pregnancy

For want of suitable facilities for nursing mothers (day nurseries and crèches) there is no protection of matrimonial status during pregnancy. Very often, in fact, the breastfeeding of children becomes irregular after the period of maternity leave.

Article 12

Choice with respect to childbearing and provision of educational materials on family planning

The maternal mortality rate indicates the number of women who die during pregnancy or within 42 days of delivery per 100,000 live births:[6]

- 1,837 nation-wide
- 2,000 in urban areas
- 1,806 in rural areas

These statistics show that access to appropriate services during pregnancy and confinement and after confinement is almost non-existent.

Where access to adequate nutrition during pregnancy and breastfeeding is concerned, the following are the figures for moderate and severe malnutrition:

Severe	*Moderate*	
10.6%	13.2%	nation-wide
7.4%	10.8%	in urban areas
11.1%	13.8%	in rural areas

The malnutrition rate is very high and is constantly worsening.

Article 13

Access to economic life

The active female population is estimated at 5,215,800, i.e. 49 per cent of the total active population.

This population breaks down as follows by sector of activity:

Sector	*Percentage*
Primary	86.4
Secondary	1.3
Tertiary	12.1
Unspecified	0.2
Total	**100**

Source: National Statistical Institute, 1996.

In agriculture, the obstacles to improving women's productivity and the marketing of their products have not yet been removed. They include the use of rudimentary methods in farm work and the difficulty of access to land, credit and appropriate technology.

As stressed in the initial report, most women (80 per cent) engage in small-scale business activities, mainly the selling of farm and food products in public markets and from their homes.

The exercise by married women of the right to engage in business is still restricted by the need for authorization from their husband. Many training seminars have been held to tackle the obstacles confronting women engaging in small-scale business activities.

This training focuses mainly on:

- Keeping of business documents;
- Elementary accounting;
- Organization of business activities;
- Machinery for access to loans.

Congolese women working in the informal sector export mainly to neighbouring countries, especially Zambia, Burundi and Cameroon. Only 15 per cent engage in the import of clothing and manufactured goods.

Owing to their very low earnings they have enormous difficulty in complying with the tax regulations.

The past three years have seen the emergence of women's support and training associations for business activities.

Despite these opportunities businesses created by women remain precarious. Several symposiums and forums on women's business activities have been held at the initiative of the Federation of Enterprises of the Congo, the Federation of Lay Economic Non-Governmental Organizations of the Congo, and the Ministry responsible for women's issues.

A prize for the best businesswoman was established in 1997 in order to encourage women to go into business. In

that same context, at the SADC Summit held on 2-3 March 1998 in Maputo, Mozambique, the Democratic Republic of the Congo submitted the official instrument of its adherence to resolution 52/194 on "Role of microcredit in the eradication of poverty", adopted by the General Assembly of the United Nations on 18 December 1997.

The purpose of microcredit is to provide financial and commercial services for women from the world's poorest families, regardless of political considerations, to enable them to carry on independent income-generating activities and thus improve their own and their children's living conditions by the year 2000.

This new sector accounts for 80 per cent of the revenue of the national economy; the activities are mainly informal ones which will support the Congolese franc, which we wish to be stable and strong.

The contributions made by housewives to family life are not assessed at their true value in the remuneration of spouses.

With the deterioration of the country's economic situation, many women have begun to cook outside the home in order to supplement the family budget.

Article 14

Rural women

The situation of rural women has not changed; the restrictions on their opportunities for development mentioned in the initial report have worsened and the women continue to face the following problems:

- inability to own land;
- distance from health centres;
- lack of leisure and appropriate technology;
- inability to obtain credit.

The rural tasks which they engage in are unequally distributed among men and women.

Several services have been established to meet the needs of rural women, such as the National Rehabilitation Programme (SMA) and the National Rural/Housing Service (SNHR), but as was true of the older services, they are having difficulty operating, due to the socio-economic crisis the country is experiencing.

As to the living conditions of rural women, in 1998, WHO listed the parameters as follows:

Indicators	*Definitions*	*National level*	*Urban*	*Rural*
1. Protection from the weather	% of households living in safe and salubrious premises			
2. Protection from insects	% of households whose dwelling is protected from flying insects or using mosquito nets			
3. Use of safe latrines	% of households with safe latrines			
4. Maintenance of latrines	% of households which maintain the safe latrines			
5. Disposal of rubbish	% of households that dispose of rubbish correctly			
6. Regular access to safe water	% of households with regular access to safe water			
7. Access to water at a distance of less than 1 km	% of households having regular access to safe water at a distance of less than 1 km			

It is clear from this table that the living conditions of rural women remain cause for concern.

Article 15

Women's legal capacity

As pointed out in article 11, a married women has the legal capacity to conclude an employment contract. However, in practice, employers insist on a married woman's first producing evidence of authorization from her husband.

As was noted in the first report, the fact of granting rights to women does not mean that these rights are really applied, due to the deep-rooted stereotypes about women's role as housewives and homemakers. No significant change has occurred as regards measures and practices concerning the conclusion of contracts, the administration of property, freedom of movement or choice of residence and domicile.

Article 16

Equality in marriage and family relationships

All the rights of the woman in marriage concerning conjugal relations are governed primarily by the provisions of the Family Code; the latter has not changed at all since 1987.

The big problem lies at the level of implementation, for there are all kinds of obstacles that arise: customs, prejudice, attitude of women themselves, for they are ignorant of their rights.

Violence against women

The forms of physical, mental and psychological violence referred to in the first report are still encountered by Congolese women and girls in their daily lives.

Whether the violence takes the form of wife beating, rape, genital mutilation or the image of women in the media, women victims of this violence do not often report it to the competent authorities, save if there is extensive physical injury.

When asked, during the campaign on violence against women which was organized as part of the celebration of International Women's Day, 75 per cent of women attributed this to a desire to protect their marriage, while 15 per cent said it was due to shame.

The Ministry responsible, *inter alia*, for women's affairs sought, on an experimental basis, to organize legal clinics via the National Women's Council in eight communes in the city of Kinshasa.

The legal clinics were seen and organized as places where women and girls who had been victims of acts of violence could tell their story and receive counselling and psychotherapy. Some 418 people were registered and heard by experts over a period of close to one month.

These hearings revealed that violence arose in connection with the following:

- matters of inheritance;
- divorce of parents;
- polygamy;
- refusal to acknowledge paternity;
- state of being an orphan;
- husband's alcoholism;
- dowry;
- lack of family communication;
- too much work in the home;
- abuse of marital authority;
- interference by in-laws in the life of the couple;
- management of the family budget;
- weight of taboos and tradition.

In the Territory occupied by the Rwandan, Ugandan and Burundian aggressors, the Ministry of Human Rights reported several acts of violence against women and young girls.[7]

At present, non-governmental organizations are making efforts to heighten the awareness of the causes of violence and its consequences, as well as the means of resolving conflicts, among the general public and women in particular.

Actions have also been taken by non-governmental organizations to urge the Government to establish as offences acts of violence for which no legislation has yet been passed, and to condemn their perpetrators.

Young and adolescent girls

Congolese young girls, referring to the age group from 0 to 12 years, and adolescent girls, referring to the age from 12 to 18 years, are considered socially inferior to boys.

Despite the equality accorded to them by law in the area of education, the disparities in the school attendance and drop-out rates referred to in the initial report still persist, as well as the reasons for these inequalities.

The tasks facing Congolese girls in rural areas remain overwhelming. Abusive media images of young women are an affront to the dignity of all women and depict adolescent girls as objects of pleasure. They thus become victims of incest, rape, sexual harassment and commercial exploitation.

With regard to sexual initiation, there is a very high level of social concern about the virginity of adolescent girls, whereas boys are given full sexual freedom.

In other words, the obligation for a girl to be a virgin on marriage for the sake of the family's honour contradicts the license given to the boy, who can marry after several sexual experiences to which no blame is attached.

This disparity is sometimes a source of STD/AIDS infection, to the detriment of the girl. It should be noted that the authorities have found places for many unemployed girls with the Police, the Army and National Service (the agricultural brigade and the vocational training school).

Conclusion

From this periodic evaluation report on the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the Democratic Republic of the Congo, it is apparent that the Congolese Government, despite the country's difficult situation, has spared no effort to take measures that could contribute to the gradual elimination of discrimination against women.

The following measures may be recalled:

1. The establishment of national and provincial women's councils;
2. The establishment of the Ministry of Human Rights;
3. The raising of the national mechanism responsible for women to the level of a Ministry;
4. The inclusion in the draft constitution of the principle of eliminating discrimination;
5. The participation of women in the drafting process for the constitution;
6. The adoption of the "gender" approach in the design, implementation and evaluation of all development projects;
7. The drawing up of a national programme for the advancement of Congolese women.

Nevertheless, the considerations referred to in the previous report and the obstacles referred to at the beginning of the present one are hindering full implementation of the Convention, despite the political will expressed; provisions discriminating against women do exist in the country's legal system, and some degrading traditional practices persist.

There is still a long way to go to reach a society free of gender discrimination. May the United Nations system contribute to efforts to seek the peace that is longed for by the Congolese people in order to consolidate the achievements already attained with regard to the advancement of women.

Notes

[1] Central Bank of the Congo.

[2] National programme for the advancement of Congolese women, February 1999, p. 36.

[3] *Source*: Ministry of Foreign Affairs and International Cooperation, 1998.

[4] FITA & Cie., "Diagnostic des besoins éducationnels des populations adultes: cas des ONG de Kinshasa" (Analysis of the educational needs of adult populations: Non-governmental organizations (NGOs) in Kinshasa") (unpublished).

[5] *Source*: National Programme for the Advancement of Women, p. 40.

[6] WHO, *Etat des lieux du Secteur Sanitaire, April 1998.*

[7] Ministry of Human Rights, White paper on massive violations of human rights by the aggressor countries, which covers the period from 2 August to 5 November 1998.